

Judge Ike D. White, Attorney for the Austin Street Railway Company, gave a resume of the Company's operation in the past, and what it proposes to do in the future in the substitution of bus for street car service if granted a renewal of its franchise.

A petition, bearing approximately 134 signatures of taxpayers and citizens, protesting the removal of street cars from the Hyde Park Addition, was presented.

A number of citizens from Hyde Park and other sections of the City then registered oral protests against the removal of the street car tracks, principally on the grounds of the purported increase in the present five-cent fare, inadequate service, dust nuisance which would be created by busses travelling unpaved streets, and the possibility of change in present routes, which would greatly damage their property values.

All present having been given an opportunity to be heard, upon motion, seconded and carried, the meeting was recessed at 10:00 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Harris McKeen
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 27, 1939.

The City Council convened in regular session, at the regular meeting place in the Municipal Building, on Thursday, July 27, 1939, at 10:50 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, C. M. Bartholomew, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, Councilman Simon Gillis.

The reading of the Minutes was dispensed with.

Mrs. L. C. Wier, 60 Waller Street, submitted a letter regarding personal injuries received by her at Palm Park on June 17, 1939. The matter was referred to the Legal Department.

It was moved by Councilman Wolf that a taxicab driver's permit be granted to Bill Aaron Haskell, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

It was moved by Councilman Wolf that a taxicab driver's permit be granted to Raul Pineda, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

It was moved by Councilman Wolf that a taxicab driver's permit be granted to

Maurice Ledesma, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

It was moved by Councilman Alford that Pete Segovia be granted a taxicab license, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Councilman Bartholomew introduced the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, A MUNICIPAL CORPORATION OF THE STATE OF TEXAS:

THAT said corporation's City Manager be and he is hereby duly authorized and fully empowered to enter into and execute, for and in the name of said corporation, one certain written agreement, dated and effective July 22, 1939, between said corporation and Guy A. Thomson, Trustee, International-Great Northern Railroad Company, Debtor, herein called Carrier, respecting among certain things a certain 12" water pipe line crossing under I&GN tracks at Engr. Sta. 9306+69 ICG, Austin, Travis County, Texas, true copy of said agreement being attached hereto as part hereof.

(AGREEMENT)

PIPE LINE AND CANAL CROSSING LICENSE

This instrument executed in duplicate on this 22nd day of July, A. D. 1939,
WITNESSETH:

The undersigned Carrier hereby grants, solely on the herein expressed terms and conditions, and the undersigned Licensee, City of Austin, a Municipal Corporation of the State of Texas, Austin, Texas, hereby accepts, permission to install, keep and use, free of charge, for conveying water (12" water pipe line) along or across the right of way or other grounds constituting a part of Carrier's railroad (hereinafter called premises) at or near Austin, Travis County, Texas, a certain pipe line (or canal and/or flume), the same to cross premises at Engr. Sta. 9306+69 ICG, and otherwise to be located as shown by yellow line and of said right of way if limited to any track, by white line, but, if wider, by red lines on the map or plat marked Exhibit "A" and hereto attached and made a part hereof.

1. Licensee shall furnish or do at Licensee's own cost and responsibility any and all things and when and as from time to time required to accomplish whatsoever the Licensee attempts or is bound to do at any time hereunder. Licensee shall adjust Pipe Line (or canal and/or flume) to any physical change as made at any time in any of Carrier's property; at all times keeping upper surface of any pipe line or canal and/or flume at least four feet below bottom of rail thereover. Licensee shall cause any Pipe Line, before being used for anything inflammable, to conform substantially to Exhibit "B" attached hereto as part hereof; obtaining Exhibit B, if missing, from Carrier. Said things, including the time and manner of doing any work, each shall conform to the requirements of Carrier as well as of any State, Federal or Municipal authority. Carrier may acting for Licensee furnish or do, and Licensee shall pay and bear the cost of, anything which, herein required of Licensee, at any time, either shall not be furnished or done within ten days following Carrier's written request therefor or shall be undertaken by Carrier at Licensee's request; and Licensee on request shall, in advance, deposit with Carrier the estimated cost thereof. If deposit be less than actual cost, Licensee shall pay difference; if more, Carrier shall repay difference. Any other payment shall be made within twenty days following receipt of bill. Licensee shall

pay cost to Carrier for all labor, including wages of foremen, plus 10% to cover accounting and supervision, and Carrier's cost price of all materials f.o.b. Carrier's rails plus 10% to cover handling and accounting, plus freight at tariff to point of use. Carrier may connect with and discharge sewage into Pipe Line while serving as sewer.

2. Licensee agrees to indemnify and hold harmless the Carrier from all liability, damage and expense, including attorney's fees and costs, which the Carrier may incur or suffer, caused by the installation, maintenance, existence or use of Pipe Line (or canal and/or flume).

3. "Term hereof shall begin with the 22nd day of July, 1939, and continue there - after indefinitely as long as Licensee shall perform and covenants hereof and shall reasonably need in its business the permission granted hereby and shall not abandon the said Pipe Line (or canal and/or flume). In the event Licensee shall fail to perform the covenants hereof, or shall not reasonably need in its business the permission granted hereby, or shall abandon the said Pipe Line (or canal and/or flume) the term hereof may be terminated by expiration of thirty days following serving, by Carrier on Licensee of written notice of intention to end term hereof. Term hereof may also be concluded by expiration of thirty days following serving by Licensee on Carrier of written notice of intention to end term hereof. Any notice of Carrier shall be deemed served when posted conspicuously on Pipe Line (or canal and/or flume) or when deposited, postage prepaid, in U.S. mail addressed as aforesaid, not later than last day of term hereof Licensee shall remove Pipe Line (or canal and/or flume) and restore premises. Any of Pipe Line (or canal and/or flume) not so removed shall at Carrier's election without notice be deemed abandoned. Covenants herein shall inure to or bind each party's heirs, legal representatives, successors and assigns; provided, no right of Licensee shall be transferred or assigned either voluntarily or involuntarily except by express agreement acceptable to Carrier. Carrier or Licensee may waive any default at any time of the other without affecting or impairing any right arising from any subsequent default.

The International-Great Northern Railroad Company, pursuant to Section 77 of the Bankruptcy Act, approved March 3, 1933, is now in process of reorganization and is being operated by the undersigned Trustee under jurisdiction of the United States District Court, Eastern Division, Eastern District of Missouri, and, upon the date that ownership or control of the railroad and property of said Railroad Company by said Trustee, or his successor trustee or trustees, shall cease, this agreement shall ipso facto terminate, unless, pursuant to the decree of said court, said agreement shall be continued in effect by the party succeeding to such ownership or control.

GUY A. THOMPSON, TRUSTEE
INTERNATIONAL-GREAT
NORTHERN RAILROAD COMPANY,
DEBTOR

Attest:

Secretary for the Trustees

By Senior Executive Ass't,
"Carrier".

CITY OF AUSTIN

Attest:

City Secretary

By City Manager
"Licensee"

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Councilman Wolf introduced the following resolution:

"Austin, Texas
July 27, 1939

Mr. Guiton Morgan
City Manager
City of Austin

Dear Sir:

We, the undersigned, have considered the application of J. R. Shannon, Jr., for permission to construct, maintain and operate a drive-in gasoline filling station upon property located at the northeast corner of the intersection of Rosewood Avenue and Chicon Street, which property is a portion of Lot 1, Block 1, of Forster's Subdivision of Outlot 58, Division "B" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is locally known as 1900 Rosewood Avenue, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

Storm sewer facilities exist adjacent to the property upon which this filling station is to be constructed.

We recommend that J. R. Shannon, Jr., be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146 and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-H-655.

(5) That expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-655 and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

J. E. Motheral
City Engineer

J. C. Eckert
Building Inspector.

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property situated at the northeast intersection of Rosewood Avenue and Chicon Street, which property is owned by J. R. Shannon, Jr., and is designated as a portion of Lot 1, Block 1, of Forsters Subdivision of Outlot 58, Division "B" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property

is locally known as 1900 Rosewood Avenue, and hereby authorizes the said J.R. Shannon, Jr., to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said J. R. Shannon, Jr., has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Councilman Wolf introduced the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of other material; and

WHEREAS, L. D. Lyons, owner of Block 3, Outlot 36, Division "B" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the north side of East 12th Street at a location known as 1710 East 12th Street, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the curb line to the property line at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT L. D. Lyons, owner of Block 3, Outlot 36, Division "B" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the north side of East 12th Street at a location known as 1710 East 12th Street, is hereby granted permission to construct a flagstone walk from the property line to the curb line at the above described location, and said walk is to be constructed under the supervision and direction of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Councilman Alford introduced the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST 14TH STREET easterly 42 feet from a point 149 feet east of Red River Street, the centerline of which gas main shall be 17 feet north of and parallel to the south line of said East 14th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(2) A gas main in BURNET ROAD northerly 190 feet from a point 130 feet south of West 46th Street, the centerline of which gas main shall be 1 foot east of and parallel to the west line of said Burnet Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(3) A gas main in KENWOOD AVENUE northerly 100 feet from a point 90 feet south of Milam Place, the centerline of which gas main shall be 17 feet west of and parallel to the east line of said Kenwood Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(4) A gas main in ALAMEDA DRIVE northerly 103 feet from a point 72 feet south of Sunset Lane, the centerline of which gas main shall be 20 feet east of and parallel to the west line of said Alameda Drive.

Said gas main described above shall have a covering of not less than 2½ feet.

(5) A gas main in EAST 3RD STREET easterly 71 feet from a point 14 feet east of Navasota Street, the centerline of which gas main shall be 13½ feet south of and parallel to the north line of said East 3rd Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(6) A gas main in GLENVIEW AVENUE from West 34th Street southerly 230 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Glenview Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(7) A gas main in ROSEDALE AVENUE from West 47th Street northerly 180 feet, the centerline of which gas main shall be 7½ feet east of and parallel to the west line of said Rosedale Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(8) A gas main in MANOR ROAD from Salina Street to Dancy Street, the centerline of which gas main shall be 8 feet south of and parallel to the north line of said Manor Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(9) A gas main in DANCY STREET from Manor Road to 28th Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Dancy Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(10) A gas main in EAST 28TH STREET from East Avenue to Dancy Street, the centerline of which gas main shall be 1 foot north of and parallel to the south line of said East 28th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(11) A gas main in CHICON STREET from East 12th Street to East 13th Street, the centerline of which gas main shall be 19 feet east of and parallel to the centerline of said Chicon Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(12) A gas main in EAST 13TH STREET from Salina Street to Chicon Street,

the centerline of which gas main shall be 18 feet south of and parallel to the north line of said East 13th Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(13) A gas main in EILERS AVENUE from East 51st Street southerly 265 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Eilers Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(14) A gas main in EILERS AVENUE from East 51st Street northerly 338 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Eilers Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(15) A gas main in CLARKSON AVENUE from Red River Street to East 51st Street, the centerline of which gas main shall be 18 feet east of and parallel to the west line of said Clarkson Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(16) A gas main in MIDDLE FISKVILLE ROAD from East 51st Street northerly 90 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Middle Fiskville Road.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(17) A gas main in BENNETT AVENUE from East 50th Street to East 51st Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Bennett Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(18) A gas main in EAST 51ST STREET from Eilers Avenue to Clarkson Avenue, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said East 51st Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(19) A gas main in EAST 51ST STREET from Middle Fiskville Road to a point 30 feet east of Harmon Avenue, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said East 51st Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(20) A gas main in EAST 50TH STREET from a point 55 feet east of Middle Fiskville Road to a point 30 feet east of Harmon Avenue, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said East 50th Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(21) A gas main in EAST AVENUE from East 24th Street to East 25th Street, the centerline of which gas main shall be 18 feet west of and parallel to the east property line of said East Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(22) A gas main in EAST 24TH STREET from Cole Street to East Avenue, the centerline of which gas main shall be 5 feet south of and parallel to the north property line of said East 24th Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(23) A gas main in COLE STREET from East 24th Street to East 25th Street, the centerline of which gas main shall be 5 feet west of and parallel to the east property line of said Cole Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(24) A gas main in EAST 25TH STREET from Swisher Street to Cole Street, the centerline of which gas main shall be 5 feet south of and parallel to the north property line of said East 25th Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(25) A gas main in WAHRENBERGER STREET from Red River Street to Swisher

street, the centerline of which gas main shall be 5 feet south of and parallel to the north property line of said Wahrenberger Street.

Said gas main described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Councilman Bartholomew introduced the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of other materials; and

WHEREAS, J. H. Baugh, owner of property in Enfield X, a subdivision within the City of Austin, Travis County, Texas, which property abuts the east side of Parkway at a location north of Enfield Road and being locally known as 1515 Parkway, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the curb line to the property line at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT J. H. Baugh, owner of property in Enfield Z, a subdivision within the City of Austin, Travis County, Texas, which property abuts the east side of Parkway at a location north of Enfield Road and being locally known as 1515 Parkway, is hereby granted permission to construct a flagstone walk from the property line to the curb line at the above described location and said walk is to be constructed under the supervision and direction of the City Engineer for the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

The City Manager was instructed to take up with the Sanitary Department immediately the matter of sewerage connection for houses along Lake Austin.

Mr. Edward Clark, Attorney, submitted a tentative proposal from clients of his, for a twenty-five year franchise to operate busses on the streets of the City, agreeing, among other things, to pay for such franchise the sum of \$100,000, with option of renewal for another twenty-five years at same price.

After a discussion of the matter, Mr. Clark was asked to submit his proposal in writing, giving the name of his clients, their financial status, etc., which the said Mr. Clark agreed to do for the next regular meeting.

The Mayor announced the public hearing open on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

To amend the Height and Area District Map so as to change the Height and Area designation from Third Height and Area District to First Height and Area District of the following property: that area lying between Canadian Street and Pleasant Valley Road and extending south from East Second Street to within 150 feet of East First Street.

To amend the USE District and the Height and Area District designation so as to change same from "D" Industrial District and "E" Heavy Industrial District and Third Height and Area District to "B" Residence District and Second Height and Area District, of the following property: the one-half block north of East Fourth Street between Chicon Street and Onion Street.

To amend the USE District and the Height and Area District designation so as to change same from "D" Industrial District and Third Height and Area District to "B" Residence District and Second Height and Area District of the following property: the area bounded on the north by East Fourth Street, on the east by Comal Street, on the south by a line midway between East Third Street and East Second Street, and on the west by Onion Street.

To amend the USE District and the Height and Area District designation so as to change same from "D" Industrial District and "E" Heavy Industrial District and Third Height and Area District to "B" Residence District and Second Height and Area District of the following property: the area east of Pedernales Street bounded on the north by Santa Maria Street, on the east by San Saba Street, on the south by East Second Street, and on the west by Pedernales Street.

To amend the USE District designation of the following property so as to change same from "A" Residence District to "C" Commercial District: portion of Blocks 1, 2, 3, and 4, of Outlot 21, Division "C", and Blocks 1 and 4 of Outlot 22, Division "C".

To amend the USE designation of the following property so as to change same from "C" Commercial District to "C-2" Commercial District: the property on the north side of West Sixth Street and extending from San Antonio Street to West Avenue, more particularly described as the south one-half of Blocks 74, 75, and 76, Original City.

The following property owners appeared and protested the proposed change in zoning, from "C" Commercial to "C-2" Commercial, of the property on the north side of West Sixth Street from San Antonio Street to West Avenue, on the grounds that it would greatly damage their property for residential purposes, and that they were opposed to further encroachment of the liquor trade in this vicinity: Mrs. C. F. Goodrich, Henry Maerki, Mrs. S. P. Mills, Mrs. R. G. West.

Jack Sparks, Attorney for the proponent of the change, submitted a petition signed by J. B. Robertson, et al., property owners, indorsing the proposed change.

After considerable discussion, Mayor Miller moved that the proposed change in zoning be granted for the 700 block only on the north side of West Sixth Street from

Rio Grande Street to West Avenue, and that the City Attorney be instructed to prepare the necessary ordinance accordingly. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

No one appearing to protest the proposed change in zoning, from "A" Residence District to "C" Commercial District of portion of Blocks 1, 2, 3, and 4, of Outlot 21, Division "C", and Blocks 1 and 4 of Outlot 22, Division "C", the City Attorney was instructed to prepare the necessary ordinance.

There being no protests against the proposed change in zoning of the remaining property described in the public hearing of this date, the hearing was continued until the next regular meeting.

The following report of the Board of Adjustment was received:

" Austin, Texas
July 26, 1939

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment, at a meeting held July 25, 1939, passed the following resolution, which is hereby submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the Board of Adjustment of the City of Austin, at a meeting held on July 25, 1939, considered the petition of Mrs. Nella T. Evans and Delta Tau Delta Building Association, which was referred to the Zoning Board of Adjustment for its consideration by the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, and which requested a change in the Use designation of the following property:

Lot 60, College Court Addition, located at the corner of San Jacinto Boulevard and Park Place, from "B" Residence District to "C" Commercial District; and

Lot 51, College Court Addition, located at the corner of San Jacinto Boulevard and Elmwood Place, from "A" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a public hearing on these petitions on July 25, 1939, at which hearing numerous protests were registered and a petition by a large number of residents in College Court was registered against the changes in the zoning classification of these lots; and

WHEREAS, the Board carefully considered all of the arguments for and against this change, viewed the property, and took into consideration the conditions surrounding this property, the trend of development in this neighborhood, and otherwise considered the question in the light of fundamental zoning principles; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the USE designation of the above described property is not recommended to the City Council for the following principal reasons:

1. That this is the fourth recurrent request for the changing of this property from its present classification to a commercial district, and the previous requests have all been disapproved, both by the Board of Adjustment and the City Council for the reasons contained in the resolutions submitted when these requests were made and to which reference is made for further details.

2. That in the opinion of the Board, no changes in the status of this property, the neighborhood, or other conditions have arisen sufficient to justify the change of policy with respect to this property.

3. That it has not been shown that there is any public demand or necessity in the interest of the general welfare and the purpose and intent of the Zoning Ordinance to justify the change of the Use status of this property, especially in view of the general protest of the immediate neighborhood that would be affected by this change.

4. That there is already a community center existing opposite the above described property, which commercial district is not fully developed and is subject to a considerable expansion, and the present development thereon is ample to meet the needs and demands of this section of the City, which is nearing complete development as a residential area, and the demand for neighborhood retail facilities is nearing a maximum point, and that any increase in demand can be sufficiently met by the expansion of the present commercial community center.

5. That the further development of commercial activities on the above described property would, on account of its strategic location, further endanger public safety

due to the particular traffic conditions existing at this point, produced by the exceptional high speed, volume of traffic, and the convergence of five traffic lanes at this point.

6. That there is a presumption of doubt as to the legality of the proposed change on account of deed restrictions occurring in numerous deeds for property in College Court Addition, and the representation of such restrictions to purchasers of property and the general rule laid down by the courts protecting the rights of property owners in written and implied restrictions in residential subdivisions.

7. That when San Jacinto Boulevard was planned in accordance with the City Plan for Austin, the City Planning Commission advocated and recommended to the City Council that no further commercial developments be permitted along San Jacinto Boulevard from the University Campus to Guadalupe Street in order to preserve its esthetic qualities, traffic safety, and the elimination of any further filling stations along this boulevard.

8. That the preservation of this property as residential classification will not cause unnecessary hardship to the owner, nor preclude its development for lawful purposes, and the mere pecuniary interest involved does not constitute a valid criterion upon which to base any change of the zoning designation of this property.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne
Chairman.

A public hearing on the proposal to change the property described in the foregoing report of the Board of Adjustment, from "A" Residence District and "B" Residence District, respectively, to "C" Commercial District, was called for Thursday, August 17, 1939, at 11:00 A. M.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING IN THE CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES; AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT, AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES, AND DECLARING AN EMERGENCY. "

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

The Mayor announced that the ordinance had been finally passed.

The following resolution was introduced:

WHEREAS, the property hereinafter described appears to the City Council to have been assessed at a valuation greater than that placed on other property in such locality

of similar value and out of proportion to the taxable value of such property and the accumulated delinquent taxes with penalty, interest and court costs on such property aggregate such amount as to make their collection inequitable, and the further fact that the improvements on said property were practically all torn down in 1937, the City Council of the City of Austin has deemed it just, equitable and expedient to reduce the valuation of said property, and acting under and by virtue of the authority conferred upon it by the provisions of House Bill 456 of the 46th Legislature, enacted as Article 7345-d of the Revised Civil Statutes of Texas; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the assessments on the following described property in the City of Austin, Travis County, Texas, in the name of the Sallie J. Nalle Estate, and being 8.6 acres, Block 2, Outlot 3, Division "Z", Plat 95, be revised, reduced and assessed as follows:

<u>Original Assessed Value of Land</u>		<u>Assessable Valuation after Reduction Authorized</u>
<u>Year</u>		
1931	\$11,300	\$9,745
1932	11,300	9,745
1933	11,300	9,745
1934	11,300	9,745
1935	11,300	9,745
1936	11,300	9,745
1937	11,300	9,745
1938	11,300	9,745

<u>Original Assessed Value of Improvements</u>		<u>Revised Assessment</u>
<u>Year</u>		
1938	\$ 5,915	\$ 800

BE IT FURTHER RESOLVED:

THAT the City Tax Assessor and Collector is hereby authorized and directed to change on his rolls the assessed valuation of the above described property in accordance with the terms of this resolution.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Mayor Miller, and Councilman Wolf; nays, none; Councilman Gillis absent.

Upon motion, seconded and carried, the meeting was recessed at 12:10 P. M., subject to call of the Mayor.

Approved: Tom Miller.
Mayor

Attest:
Sallie McLean
City Clerk